

1 DAVID L. ANDERSON (CABN 149604)
United States Attorney

2 HALLIE HOFFMAN (CABN 210020)
3 Chief, Criminal Division

4 Richard Ewenstein (CABN 294649)
Assistant United States Attorney

5 450 Golden Gate Avenue
6 San Francisco, California 94102-3495
7 Telephone: (415) 436-6842
FAX: (415) 436-7234
Richard.Ewenstein@usdoj.gov

8 Attorneys for United States of America

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN FRANCISCO DIVISION

12

13 UNITED STATES OF AMERICA,) CASE NO. CR-19-71479-JCS
14 Plaintiff,) [Proposed] DETENTION ORDER
15 v.)
16 JESSE DAMIAN BROWN,)
17 Defendant.)
18

19 On September 6, 2019, the United States charged defendant Jesse Damian Brown by complaint
20 with being a felon in possession of ammunition in violation of 18 U.S.C. § 922(g)(1). This matter came
21 before the Court for a detention hearing on September 13, 2019. The defendant was present and
22 represented by Assistant Federal Public Defender Jodi Linker. Assistant United States Attorney Richard
23 Ewenstein appeared for the government.

24 The government moved for detention on the basis that no condition or combination of conditions
25 of release would reasonably assure the defendant's appearance or the safety of the community in light of
26 the defendant's criminal history, conduct while on prior supervision, and alleged gang affiliation. The
27 defense opposed detention and proposed the defendant's release with conditions. Pretrial Services
28 recommended detention on the basis that no condition or combination of conditions of release would

1 reasonably assure the safety of the community.

2 Upon consideration of all of the facts and proffers presented at the hearing, including the
3 information contained in the Pretrial Services report, the Court finds by clear and convincing evidence
4 that no condition or combination of conditions will reasonably assure the safety of the community.
5 Accordingly, the defendant must be detained pending trial in this matter.

6 This Order supplements the Court's findings at the detention hearing and serves as written
7 findings of fact and statement of reasons as required by Title 18, United States Code, Section 3142(i).
8 The Bail Reform Act of 1984 sets forth the factors the Court must consider in determining whether
9 pretrial detention is warranted. In coming to its decision, the Court has considered those factors,
10 paraphrased below:

- 11 (1) the nature and seriousness of the offense charged;
- 12 (2) the weight of the evidence against the person;
- 13 (3) the history and characteristics of the person including, among other considerations,
14 employment, past conduct and criminal history, and record of court appearances; and
- 15 (4) the nature and seriousness of the danger to any person or the community that would be posed
16 by the person's release.

17 18 U.S.C. § 3142(g).

18 Given the nature of the crime alleged, as well as the history and characteristics of the defendant,
19 the Court determines that, on the record before it, there is no condition or combination of conditions of
20 release that can reasonably assure the safety of any other person and the community. In particular, the
21 Court notes that the defendant has, several times, been convicted of felony offenses that were committed
22 while he was under grants of supervision following earlier felony convictions.

23 Accordingly, pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

- 24 1. The defendant be, and hereby is, committed to the custody of the Attorney General for
25 confinement in a corrections facility;
- 26 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 27 3. On order of a court of the United States or on request of an attorney for the government, the
28 person in charge of the corrections facility in which the defendant is confined shall deliver the defendant

1 to an authorized United States Marshal for the purpose of any appearance in connection with a court
2 proceeding.

3 This Order is without prejudice to reconsideration at a later date if circumstances change.

4 IT IS SO ORDERED.

5

6 DATED: September 17, 2019

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28



HONORABLE JOSEPH C. SPERO
Chief United States Magistrate Judge